IN THE MATTER OF THE APPLICATION OF PERRY HALL COURTS II JOINT FOR A VARIANCE ON PROPERTY LOATED ON THE NORTH SIDE

CEDAR CHIP COURT, 500' EAST OF SEVEN COURT DRIVE (96 CEDAR CHIP COURT) 11TH ELECTION DISTRICT

5TH COUNCILMANIC DISTRICT

BEFORE THE

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

\* CASE NO. 93-412-A

ORDER

This case comes to this Board on appeal from a decision of the Deputy Zoning Commissioner dated June 30, 1993 in which the Petition for Variance was granted.

This matter was scheduled for hearing before the Board on Thursday, October 7, 1993 at 9:30 a.m. Appearing on behalf of Petitioners was Steven Rosen, Esquire. There were no protestants. In open hearing and on the record, Counsel for Petitioner presented a modified site plan and revised variances pursuant to an Agreement dated September 14, 1993 (a copy of which is attached hereto and made a part hereof) between Perry Hall Courts Joint Venture /Landcon, Inc., Petitioners, and Burton Johnson, Appellant.

Upon consideration of the above, and pursuant to a letter of dismissal of appeal dated September 14, 1993 filed by Burton Johnson, Appellant (a copy of which is attached and made a part hereof), the Board accepts the modified site plan and revised variances, and will therefore dismiss the appeal filed in this matter.

the County Board of Appeals of Baltimore County that the appeal taken in Case No. 93-412-A be and the same is hereby DISMISSED. COUNTY BOARD OF APPEALS

tioner's request is in strict harmony with the spirit and intent of the

public hearing on this Petition held, and for the reasons given above, the

Baltimore County this  $30^{44}$  day of June, 1993 that the Petition for Vari-

ance requesting relief from Section 1B01.2.C.6 of the Baltimore County

Zoning Regulations (B.C.Z.R.) (or Section V.B.3 of the Comprehensive Manual

of Development Policies (C.M.D.P.)) to permit a height to height distance

between facing buildings of 16 feet in lieu of the required 30 feet in a

non-residential transition area, and from Section 1B01.2.C.2.a of the

B.C.Z.R. (Section V.B.5.a of the C.M.D.P.) to permit a window to tract

boundary distance of 31 feet in lieu of the required 35 feet, for a pro-

posed dwelling, in accordance with Petitioner's Exhibit 1, be and is here-

1) The Petitioners may apply for their building

permit and be granted same upon receipt of this Order;

however, Petitioners are hereby made aware that pro-

ceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its

- 3-

buthy Kotroco

Deputy Zoning Commissioner for Baltimore County

by GRANTED, subject to the following restriction:

original condition.

Pursuant to the advertisement, posting of the property, and

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for

OF BALTIMORE COUNTY Worke Clase C. William Clark, Acting Chairman Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

October 8, 1993

Steven Rosen, Esquire ABRAMOFF, NEUBERGER & LINDER 250 West Pratt Street Baltimore, MD 21201

> RE: Case No. 23-412-A "" Perry Hall Courts II Joint Venture

Enclosed please find a copy of the final Order issued this date by the County Board of Appeals of Baltimore County

in the subject matter.

Very truly yours, Kathlees C. Weidenhanner/cu Kathleen C. Weidenhammer Administrative Assistant

cc: Mr. Burton Johnson David Abramoff, Esquire Perry Hall Courts II Joint Venture Landcon, Inc. Richard E. Matz /Colbert Engineering People's Counsel for Baltimore County P. David Fields Lawrence E. Schmidt Timothy M. Kotroco W. Carl Richards, Jr. /ZADM Docket Clerk /ZADM Arnold Jablon, Director /ZADM

ZADN

Printed with Soybeen Ink
en Recycled Paper



Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

June 30, 1993

(410) 887-4386

David Abramoff, Esquire Abramoff, Neuberger & Linder 250 W. Pratt Street Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE N/S Cedar Chip Court, 500' E of Seven Courts Drive (96 Cedar Chip Court) 11th Election District - 5th Councilmanic District Perry Hall Courts II Joint Venture - Petitioner Case No. 93-412-A

Dear Mr. Abramoff:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Very truly yours, TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: People's Counsel

for the property located at #96 CEDAR CHIP COURT

This Position shall be filled with the Office of Zoning Administration & Development Management.

The undereigned, legal connects) of the property situate in Baltimere County and which is described in the description and plat attached hereto and made a part hereof, hereby position for a Variance from Section(s) 1BO1.2.C.6 (V.B.) AND 1BO1.2.C.2.a (V.B.5.a) TO PERMIT 16 DISTANCE BETWEEN PACING BUILDINGS IN LIEU OF THE REQUIRED 30' HEIGHT TO HEIGHT DISTANCE IN A NON-RESIDENTIAL TRANSITION AREA AND TO PERMIT 31' IN LIEU OF THE REQUIRED 35 PROM A WINDOW TO A TRACT BOUNDARY
of the Zoning Regulations of Belimore County, to the Zoning Law of Belimore County; for the following reasons: (indicate hardship or presided difficulty)
THE LOT IS AT A CURVE IN THE ROAD WHICH CAUSES PRACTICAL DIFFICULTY IN SITING HOUSES ON THE LOT DUE TO THE UNSYMMETRICAL SHAPE OF THE BUILDING ENVELOPE.

Property is to be posted and advertised as prescribed by Zoning Regulations. i, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this position, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	LANDCON, INC.  By: Bullly fall  8826 ORCHARD TREE LANE	TOURTS II JOINT VENTURE
	TOWSON, MD 21286	PROVID CONTALES
	STEVE BOSEN OR DAVID ABRAMOPP	17 GLESCHER COURT 785-9630
33	Pari A	PROBREX ND 21131
1	250 W. PRATT STREET	Name, Address and phone number of representation to be contacted.  RECERTOR B. HART, COLUMNY MIGGINGUALING
	BALTIMORE, MD 21201	

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 93-412-A

\* BEFORE THE

. . . . . . . . . . . FINDINGS OF FACT AND CONCLUSIONS OF LAW

IN RE: PETITION FOR VARIANCE

Petitioner

N/S Cedar Chip Court, 500' E

of Seven Courts Drive

(96 Cedar Chip Court)

11th Election District

5th Councilmanic District

Perry Hall Courts II Jt. Vtr.

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Perry Hll Courts II Joint Venture, by David Gonzales, and the Contract Purchaser, Landcon, Inc., by and through their attorney, David Abramoff, Esquire. The Petitioner requests relief from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (or Section V.B.3 of the Comprehensive Manual of Development Policies {C.M.D.P.}) to permit a height to height distance between facing buildings of 16 feet in lieu of the required 30 feet in a non-residential transition area, and from Section 1B01.2.C.2.a of the B.C.Z.R. (Section V.B.5.a of the C.M.D.P.) to permit a window to tract boundary distance of 31 feet in lieu of the required 35 feet, for a proposed dwelling in accordance with Petitioner's Exhibit 1

Appearing on behalf of the Petitioner were David Abramoff, Esquire, and Richard E. Matz, Professional Engineer. There were no Protes-

Testimony indicated that the subject property, known as 96 Cedar Chip Court, consists of 0.1670 acres, zoned D.R. 5.5 and is currently unimproved. The Petitioner is desirous of developing the property with a single family dwelling in accordance with Petitioner's Exhibit 1. Testimony indicated that due to the irregular shape of the lot and the curve of

the road at which this lot is located, the requested variances are necessary in order to develop the property as proposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Peti-

- 2-

COLBERT ENGINEERING, INC.

3723 OLD COURT ROAD • SUITE 206

BALTIMORE, MARYLAND 21208 PHONE: (410) 653-3838 FAX: (410) 653-7953

ZONING DESCRIPTION 93-412-A

BEGINNING AT A POINT ON THE NORTH SIDE OF CEDAR CHIP COURT 50 FOOT WIDE AT THE DISTANCE OF 500 FEET EAST OF SEVEN COURTS DRIVE 70 FOOT WIDE. BEING LOT #3 IN THE SUBDIVISION PERRY HALL COURTS SECTION 2 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #62, FOLIO #064 CONTAINING 0.1670 ACRES. ALSO KNOWN AS 96 CEDAR CHIP COURT IN THE 11TH ELECTION DISTRICT.

CEDARCHP. DES

(30/43



CIVIL ENGINEERS • LAND SURVEYOR!

TMK:bjs

B.C.Z.R.

variance requested should be granted.

Politican: Perp Holl Goods I Joint Vonton & London Ino
Location of property: 96 (N/5) Codor Chip Coort 20' F/sorm Ot. 17. Location of See Fooling You dwg 104 property To be 204.d

Guit: \$48-418-A (from 417)
98 Chafer Chip Court.
408 Chafer Chip Court.
408 Chafer Chip Court.
408 Charles Drive
198 Election District
din Coursellments
Lungs Generals;
Pury Hall Courts II Joint
Venture
Contact Purchaser(s):
Lundson, Inc.
Housing: Monday,
Jano 21, 1985 at 2:00 p.m.
In Rm. 118, Chil Courteres. Verlance to permit 16 feet de-sease believes buring buildings in less of the required 30 feet telephone of believes in a new-sease decidal believes are and to per-nit 31 feet in feet of the required \$5 feet from window to best

## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive 

THE JEFFERSONIAN.

(410) 887-3353

**Baltimore County Government** Office of Zoning Administration and Development Management

June 11, 1993

David Abramoff, Esquire 250 W. Pratt Street Baltimore, MD 21201

111 West Chesapeake Avenue

Towson, MD 21204

RE: Case No. 93-412-A, Item No. 417 Petitioner: Perry Hall Courts II Joint Venture Petition for Variance

Dear Mr. Abramoff:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 18, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

1991 POI Baltimore County
Zening Administration &
Development Managemen
111 West Champeake Avance
Towers, Maryland 21204 93-412-A ITEM # 5/18/93 sign posting (#080) -----\$35.00 Contract Purchaser: Landcon, Inc.
Legal Owner: Perry Hall Courts II Joint Venture
#96 Cedar Chip Court District: 11c5 Attorney: Steve Rosen or David Abramoff Abramoff, Neuberger & Linder 03A03W0108ACCRCC Please Make Checks Payable To: Baltimera Calain 19:46ANU5-19-93 فالمتعاقب والمناصرين والمرافي والمتواع والمتحال والمتحال والمتحال والمتحال والمتحال والمتحال والمتحال والمتحال BALTIMORE COUNTY, MARYLAND P-11 5565 STREET SHOWING SOME IN TO SOME MINICELLANDOUS CASH RECEIFT R-00/-6150 WOUNT \$35.00

APPENL 93-412-A SIGN 03A03W0260M1CHRC \$35.00 PA COULTANDAUT -- 10--61 VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTS, MANYAND CHARGE OF A COLUMN STREET, STR

Jame 3, 1993 laune \_ Jefferson Please found billing to c/o David Moramoff, Esq.

TO: PUTULERY PUBLISHED COMPANY

250 W. Pratt Street Baltimore, Maryland 21201 (410) 539-8300

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesspeake Avenue in Tourin, Haryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Touson, Haryland 21204 as follows:

CASE NUMBER: 93-412-1 (Item 417) 96 Cedar Chip Court M/S Coder Chip Court, 500' E of Seven Courts Drive 11th Election District - 5th Councilmanic Legal Owner(s): Perry Hall Courts II Joint Venture Contract Purchaser(s): Landcon, Inc. HEARING: HONDAY, JUNE 21, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to parmit 16 foot distance between facing buildings in lieu of the required, 30 feet height to height distance in a non-residential transition area; and to permit 31 feet in lieu of the required 35 feet from window to tract boundary.

LMRENCE E. SCIENTET ZONING COUNTSSICHER FOR BALTIMORE COUNTS

**Baltimore County Government** Office of Zoning Administration and Development Management





(410) 887-3353

The Zoning Commissioner of Bultimore County, by authority of the Zoning Act and Regulations of Bultimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesepeake Evenue in Townen, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Tomson, Maryland 21204 as follows:

NOTICE OF HEARING

CASE NUMBER: 93-412-1 (Item 417) 96 Cedar Chip Court M/S Cedar Chip Court, 500' E of Seven Courts Drive 11th Election District - 5th Councilmenic Legal Owner(s): Perry Hall Courts II Joint Venture Contract Purchaser(s): Landcon, Inc. HEARING: MONDAY, JUNE 21, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse

Variance to permit 16 foot distance between facing buildings in lieu of the required 30 feet height height distance in a non-residential transition area; and to permit 31 feet in lieu of the required 3 feet from window to tract boundary.

111 West Chesapeake Avenue

Towson, MD 21204

cc: David Gonzales/Perry Hall Courts II Joint Venture Richard E. Matz/Colbert Engingeering Landcon, Inc David Ambramoff, Esq.

NOTES: (1) ZONING SIGN & POST MOST BE RETURNED TO RM. 104, 111 W. CHESAPEARE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353.



Maryland Deartment of Transportation State Highway Administration

O. James Lighthizer Hal Kassoff

5-26-93

HELENE KEHRING Zoning Administration and Development Management County Office Building

Re: Baltimore County
Item No.: \$\display 417 (WCR)

Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

BALTINORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

DATE: June 3, 1993

SUBJECT: 96 Cedar Chip Court

Perry Hall Courts II Joint Venture

SUBMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood.

My telephone number le 410-333-1350 Teletypewriter for impaired Hearing or Speech Himore Metre - 565-8451 D.C. Metre - 1-800-492-5062 Sta 787 North Calvert St., Baltimers, Meryland 21203-9717 BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Zoning Advisory Committee	Date May 27, 1993
Captain Jerry Pfeifer From Fire Department	

SURJECT Comments for 06/08/93 Meeting

No Comments

No Comments

Building shall comply with applicable provisions of the 1991 Life Safety Code.

Item 416 No Comments Item 417 No Comments Item 418 No Comments Item 419 No Comments Item 420 No Comments No Comments No Comments

Item 424

JP/dmc

MAY 28 1993 ZADM

Privated on Florigations Planses

Pg. 1

DATE: August 19, 1993 Zoning Advisory Committee Captain Jerry Pfeifer

SUBJECT: August 30, 1993 Meeting

Building shall comply with the 1991 Life Safety Code. 93-412 A R-87-39 Buildings shall comply with the 1991 Life Safety Code.

Townhouses, for which the initial building permits are applied for after 07/01/92, are required by State law to be sprinklered.

A standard cul-de-sac shall be provided at the end of the road. A 35' inside turning radius shall be maintained.

No Comments

Building shall comply with the 1991 Life Safety Code.

No Comments

No Comments

No Comments No Comments

No Comments

Building shall comply with the 1991 Life Safety Code.

AUG 19 1993

APPEAL

Petition for Variance N/S Cedar Chip Court, 500' E of Seven Court Drive (96 Cedar Chip Court) 11th Election District - 5th Councilmanic District Perry Hall Court II Joint Venture-PETITIONER Case No. 93-412-A

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Petition

2 - Seven Photographs

Deputy Zoning Commissioner's Order dated June 30, 1993 (Granted)

Notice of Appeal received on July 30, 1993 from Burton Johnson

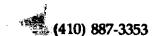
cc: Steven Rosen, Esquire, Abramoff, Neuberger & Linder, 250 West Pratt Street, Baltimore, MD 21201 Mr. Burton Johnson, 94 Cedar Chip Court, Baltimore, MD 21234 People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning Patrick Keller, Office of Planning & Zoning Timothy M. Kotroco, Deputy Zoning Commissioner W. Carl Richards, Jr., Zoning Coordinator Docket Clerk Arnold Jablon, Director of ZADM

**Baltimore County Government** Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204



Steve Rosen, Esquire David Abramoff, Esquire Abramoff, Neuberger & Linder 250 West Pratt Street Baltimore, MD 21201

> RE: Preliminary Petition Review (Item #417) Legal Owner: Perry Hall Courts II Joint Venture Contract Purchaser: Landcon, Inc. 96 Cedar Chip Court 11th Election District

Gentlemen:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comment is advisory and does not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$50.00 revision fee.

> The petition reference to Section 1801.2.C.6 (V.B.) should be corrected to 1B01.2.C.6 (V.B.3.).

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

> Very truly yours, Planner II

cc: Zoning Commissioner

Enclosure: Receipt

94 Cedar Chip Court Baltimore, Maryland 21234

September 14, 1993

Mr. William T. Hackett, Chairman Baltimore County Board of Appeals 111 West Chesapeake Avenue Towson, Maryland 21204

SUBJECT: Case No. 93-412 A Perry Hall Courts II Joint Venture - Petitioner

Dear Mr. Hackett:

I am the appellant in the above referenced case. I have met with the petitioner and, based on our understandings and the letter I have reviewed from the petitioner, a copy of which is attached, I hereby drop my appeal in this matter.

Very truly yours,

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

September 22, 1993

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 93-412-A

PERRY HALL COURTS II JOINT VENTURE N/s Cedar Chip Court, 500' E of Seven Court Drive (96 Cedar Chip Court) 11th Election District 5th Councilmanic District

Engineer

6/23/93 -D.Z.C.'s Order in which Petition for Variance is GRANTED.

For purpose of putting agreement of parties and revisions to variances granted and dismissal of appeal on the record.

THURSDAY, OCTOBER 7, 1993 at 9:30 a.m. ASSIGNED FOR:

cc: Mr. Burton Johnson Appellant /Protestant Perry Hall Courts II Jnt Vnt. Petitioner

Landcon, Inc. David Abramoff, Esquire Counsel for Petitioners Steven Rosen, Esquire

Richard E. Matz

People's Counsel for Baltimore County P. David Fields Lawrence E. Schmidt

Timothy H. Kotroco W. Carl Richards, Jr. /ZADM Docket Clerk /ZADM Arnold Jablon, Director /ZADM



Kathleen C. Weidenhammer Administrative Assistant

Leaderf with Saybean lak

COLBERT ENGINEERING, INC.

August 23, 1993

3723 OLD COURT ROAD • SUITE 206 **BALTIMORE. MARYLAND 21208** PHONE: (410) 653-3838 FAX: (410) 653-7953

Mr. William T. Hackett, Chairman Baltimore County Board of Appeals 111 West Chesapeake Avenue Towson, Maryland 21204

SUBJECT: Case No. 93-412 A Perry Hall Courts II Joint Venture - Petitioner

Dear Mr. Hackett:

We represent the petitioner in this matter and would offer the following history on the matter before you.

The original variance petition was filed on May 11, 1993. At that time, we were informed by the builder, Landmark Homes, Inc., that the neighbor (Mr. Burton Johnson) would be contacted during the period prior to the zoning hearing. Apparently, contact was attempted but no meeting ever took place.

The Variance Hearing took place on June 21, 1993. No opponents appeared at the hearing; in fact, only the lawyer, myself and the deputy zoning commissioner were present, and we assumed there was no opposition.

The Variance was granted as requested on June 30, 1993. Mr. Burton Johnson filed an appeal on July 30, 1993. We received notice of the appeal on August 4, 1993. It was too late to meet with the appellant and amend the variance request prior to the Zoning Commissioner's order.

On Thursday, August 19, 1993, we met with the appellant, Mr. Burton Johnson. After making some field measurements and explaining the constraints of the lot and the soning regulations on that lot, Mr. Johnson was amenable to revising the site plan as long as the distance between his house and the new house was 25 feet, similar to the distance between his house and the adjacent existing house.

Based on the appellant's withdrawal of his appeal and the necessity of modifying the site plan, we wish to revise variances granted as

To permit 25 ft. distance between facing buildings in lieu of

Baltimore County Government Office of Zoning Administration and Development Management



(410) 887-3353

July 30, 1993

Steven Rosen, Esquire Abramoff, Neuberger & Linder 250 West Pratt Street Baltimore, MD 21201

> RE: Petition for Variance N/S Cedar Chip Court, 500' E of Seven Court Drive (96 Cedar Chip Court) 11th Election District 5th Councilmanic District Perry Hall Courts II Joint Venture-Petitioner

Dear Mr. Rosen:

ΛJ: iaw

cc: Mr. Burton Johnson

People's Counsel

111 West Chesapeake Avenue

Towson, MD 21204

Please be advised that an appeal of the above-referenced case was filed in this office on July 30, 1993 by Burton Johnson. All materials relative to the case have been forwarded to the Board of

Case No. 93-412-A

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Printed on Recycled Paper

Mr. William T. Hackett August 23, 1993

Page -2-

To permit 24 ft. in lieu of required 35 ft. from a window to a tract boundary; And to grant a new variance to permit a window to property

line of 11 ft. in lieu of the required 15 ft. The modified site plan and variances requested are based on the attached Site Grading Plan dated April 28, 1993 and revised on August 20, 1993 per Mr. Burton Johnson's comments.

Thank you for your consideration of this request.

Richard E./Matz, P.E. Colbert Engineering, Inc.

cc: Steve Rosen - Attorney Bobbie Cantor - Landmark Homes David Gonzales - Petitioner Burton Johnson - Appellant

082393.hac

AGREEMENT

This Agreement is made on this IATH day of September 1993 between Burton and Nina Johnson (owner of Lot 4 of Perry Hall Courts, 94 Cedar Chip Court) and Perry Hall Courts Joint Venture (owner of Lot 3), and Landcon, Inc. (contract purchaser of Lot 3).

Perry Hall Courts Joint Venture and Landcon, Inc. hereby agree that no window of any type will be placed on the West side (facing Lot 4) of the improvements constructed Lot 3.

In consideration of the foregoing, Burton and Nina Johnson agree not to oppose a variance request by Perry Hall Courts Joint Venture, Landcon, Inc. or their respective successors and/or assigns with respect to the construction of any improvements on Lot 3.

Agreed to and accepted:

By perry Hall courts Joint Venture

David Gonzales, General Partner Burton Johnson

By Landcon, Inc.

Gary S. Houston, VP.

Nind Johnson

July 30, 1913

To Whom it May Concern:

I. Button Johnson, a resident at 94 ledan Chip Ct., Battimus Hd. files the appeal with the Country Board of Appeales, Please refor to Patrician for James Chip Country Soviet 500° of Lower Count District Place Chip Country For Connectment District Parry Hail Country District Vontiers Patricians Cose No. 9: 413-4

Emclosed are feed for the appeals process.

Sincarely,

Button Johnson.

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET		
NAME PICHARO E. MATZ David B. Abrano Ef	2723 OLD CONET ROAD 2/208 250 W. Pratt St. Balt. 212	

